IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

OP.No. 3888 of 2000(K)

PETITIONER:

C.JOSE DAVIDSON,
PROFESSOR OF MATHEMATICS (RTD,
SHARON, 31- CHEMPAKA NAGAR,
BAKERY JUNCTION, THIRUVANANTHAPURAM.

BY ADV. SRI.LAL GEORGE
SRI.ANIMON A. JOHN

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DIRECTOR, COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.**

3. **UNIVERSITY OF KERALA, REP.BY ITS REGISTER, UNIVERSITY BUILDINGS, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,KERALA UTY.
GOVERNMENT PLEADER SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.58906/2001 IN OP. NO.3888/2000

DISMISSED

09.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMORANDUM OF SERVICE 17.4.1990.

EXT.P2:- COPY OF THE SERVICE CERTIFICATE DT. 27.4.80.

EXT.P3:- COPY OF THE PROCEEDINGS DT. 7.11.83.

EXT.P4:- COPY OF THE LETTER DT. 12.3.91.

EXT.P5:- COPY OF THE D.O. LETTER DT. 29.1.90.

EXT.P6:- COPY OF THE LETTER DT. 23.8.90.

EXT.P7:- COPY OF THE RESOLUTION DT. 7.2.91.

EXT.P8:- COPY OF THE LETTER DT. 3.7.91.

EXT.P9:- COPY OF THE RESOLUTION DT. 25.7.91.

EXT.P10:- COPY OF THE MINUTES OF THE MEETING.

EXT.P11:- COPY OF THE LETTER DT. 20.9.91.

EXT.P12:- COPY OF THE REPRESENTATION DT. 22.10.90.

EXT.P13:- COPY OF THE REPRESENTATION DT. 20.9.91.

EXT.P14:- COPY OF THE REPRESENTATION DT. 20.3.92.

EXT.P15:- COPY OF THE GOVERNMENT ORDER DT. 7.10.90.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.3888 OF 2000

Dated this the 9th day of July, 2007

JUDGMENT

Petitioner worked for a period of 8 years or more before joining an aided college in Kerala. By Ext.P15, the Government decided to count the past services for the purpose of various benefits, excluding to grant any arrear, thereby meaning arrears of monetary benefits. It is not in dispute that the petitioner did not serve the institutions for which monetary liability can be passed on to the State of Kerala before he joined its service. The impugned Ext.P15 virtually extends to the persons like petitioner all benefits accruing on account of placing in the UGC scale except the benefit of emoluments for work not done. Under such circumstances, challenge to Ext.P15 fails.

In the result, the writ petition is dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.3888 OF 2000

JUDGMENT

9TH JULY, 2007.

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